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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/966,845 | 09/28/2001 | Barbara J. Boe | 065027.0103 | 4972 |
| 5073 | 7590 | 07/06/2005 | EXAMINER | |
| BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980 | | | RETTA, YEHDEGA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3622 | |

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,845

Applicant(s)

BOE ET AL.

Examiner

Yehdega Retta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 29-87 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This office action is in response to Request for Continued Examination (RCE) filed April 15, 2005.

The Declaration filed on April 11, 2005 under 37 CFR 1.131 has been considered but is ineffective to overcome the Moran reference. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Moran reference to either a constructive reduction to practice or an actual reduction to practice. An applicant must account for the entire period during which diligence is required. In re Harry, 333 F.2d 920, 923, 142 USPQ 164, 166 (CCPA 1964) (statement that the subject matter "was diligently reduced to practice" is not a showing but a mere pleading). A 2-day period lacking activity has been held to be fatal. In re Mulder, 716 F.2d 1542, 1545, 219 USPQ 189, 193 (Fed. Cir. 1983) (37 CFR 1.131 issue).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 15-17 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Moran U.S. Patent No. 6,430,542.

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Regarding claims 1-7, Moran teaches storing data associated with the responses to customer questions; providing customer with option to adjust or change the demographic data; processing the data and displaying feedback information, graphically illustrating data associated with the customer and receiving and processing data associated with the feedback data... (see col. 2 line 61 to col. 3 line 18, col. 7 line 23 to col. 9 line 20, col. 11 lines 21 to col. 17 line 53, col. 20 line 5 to col. 28 line 65 and col. 30 line 41 to col. 31 line 15).

Claims 15-17 are rejected as stated above in claims 1-7.

Claims 23-25 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Horowitz et al. U.S. Patent No. 6,349,290.

Regarding claims 23-25, Horowitz teaches interface operable to interact with a data processing system associated with a business and interface operable to interact with a data processing system associated with a customer and a system operable to supply the data processing system with target marketing reports dynamically generated based on a set of decision rules based on data received from the customer (col. 3 line 44 to col. 4 line 67, col. 16 line 25 to col. 17 line 47, col. 31 line 8 to col. 34 line 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 8-14, 18-22 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran U.S. Patent No. 6,430,542 and further in view of Horowitz et al. U.S. Patent No. 6,349,290.

Regarding claims 8 and 9, 18 and 19, Moran teaches providing online option to the customer (see col. 10 lines 7-60), however failed to teach providing option to apply for purchase of products or services It is taught by Horowitz (see col. 2 lines 59-65 and col. 28 lines 57-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine survey system and method and Horowitz's automated customization and personalization product and service message presentation system and method in order to sell product or services to customers who would likely subscribe to such services and/or products, as taught by Horowitz (see col. 2 lines 59-65).

Regarding claims 10, 11, 13, 14, 20, 22 and 26-28 Moran teaches storing data associated with responses to customer questions; providing customs with options to change the profile and receiving and processing the data and displaying to customer standing of the customer with the selected peer group; receiving customer identification number and matching the customer identification number with a data; providing goal planner ... (see col. 11 line 3 to col. 16 line 24, col. 20 lines 52 to col. 22 line 55, col. 24 line 48 to col. 25 line 16, col. 28 line 32 to col. 29 line 56, col. 30 line 54 to col. 34 line 48). Moran does not explicitly teach receiving business identification number and matching the number with a data and generating data sets for display and providing a business with compiled customer profile information, it is taught by Horowitz (see col. 31 line 27 to col. 33 line 56). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Moran's financial planner and Horowitz's automated

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customization and personalization product and service message presentation system and method in order to provide tailored offerings to customers to satisfy specific customer needs, as taught by Horowitz (see col. 1 line 65 to col. 2 line 65).

Regarding claims 12 and 21 Moran does not explicitly teach percentage completion and recent visit of the survey system. Official notice is taken that is old and well known in the art of database to store data entered and to provide stored information to customer, including last accessed date. It would have been obvious to one of ordinary skill in the art at the time of the invention to store information, entered by a customer, and to provide access to the information in order to update the information for the purpose of saving time.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Amram et al. US (5,537,586) teaches usage feedback from peers used as input to the profile tuning and redefinition and peers defined by the number of category structures a set of subscribers have in common as part of their profiles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YR

Yehdega Retta
RETTA YEHDEGA
PRIMARY EXAMINER